

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**SHERONDA FRANCIS and
JAMES F. DOWDEN,
TRUSTEE IN BANKRUPTCY**

PLAINTIFFS

V.

4:06CV001627JMM

**ARKANSAS BLUE CROSS AND
BLUE SHIELD**

DEFENDANT


ORDER GRANTING PLAINTIFFS' MOTION TO DISMISS

Plaintiffs have filed a motion to voluntarily dismiss the case. The Court finds that Plaintiffs' motion to dismiss should be, and hereby is, GRANTED.

The Court notes that Plaintiffs' right to re-file the case against the Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiffs may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiffs re-file the action against the Defendant.

Plaintiffs' Amended Motion to Dismiss (Docket # 48) is GRANTED. The original motion to dismiss (Docket # 45) is MOOT. The Clerk is directed to close the case.

IT IS SO ORDERED this 9th day of January 2008.



James M. Moody
United States District Judge